IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 9786 of 2004(M)

PETITIONERS:
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1. **SMT. KAMALAKSHY,**
   W/O. LATE P. THANKAPPAN (RETIRED MECHANIC),
   KARAYAMANGALATHU, ERAMALLOOR, EZHUPUNNA,
   ALAPPUZHA DISTRICT.

2. **K.T. CHITHAMBARAN, S/O. LATE P.THANKAPPAN**
   KARAYAMANGALATHU, ERAMALOOR, EZHUPUNNA,
   ALAPPUZHA DISTRICT.

   BY ADV. SRI.P. SANTHOSH KUMAR (PANAMPALLI NAGAR)

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE**
   CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **KERALA STATE ROAD TRANSPORT CORPORATION**
   REPRESENTED BY ITS MANAGING DIRECTOR, FORT,
   THIRUVANANTHAPURAM.

   BY ADV. SRI. K. PRABHAKARAN, SC, K.S.R.T.C.
   GOVERNMENT PLEADER SMT. N. SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 9786/2004(M)

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE O.P. NO. 1967/1992 FILED BY THE PETITIONER'S HUSBAND BEFORE THE HON'BLE HIGH COURT OF KERALA DATED 11.2.1992.**
EXT. P1(a)	**:**	**COPY OF THE MEMORANDUM NO. RP.1-571/67/EKM. DATED 29.7.1967 BY THE 2ND RESPONDENT, D.T.O. IN THE OP.**
EXT. P1(b)	**:**	**COPY OF THE ORDER NO. PLB.7.68926/85 DATED 26.8.1987 OF THE 2ND RESPONDENT IN THE OP.**
EXT. P1(c)	**:**	**COPY OF THE COVERING LETTER DT. 25.10.1987 BY THE PETITIONER TO THE 2ND RESPONDENT IN THE OP.**
EXT. P2	**:**	**COPY OF THE JUDGMENT IN OP. NO. 1967/1992-H OF THE HON'BLE HIGH COURT OF KERALA DATED 09.12.1998.**
EXT. P3	**:**	**COPY OF THE CONTEMPT PETITION (CCC 266/2003) IN O.P. NO. 1967/92 OF THE HON'BLE HIGH COURT OF KERALA DT. 26.2.2003.**
EXT. P4	**:**	**COPY OF THE MEMORANDUM OF THE 2ND RESPONDENT NO. PLB.7.002012/03 DT. 17.3.2003.**
EXT. P5	**:**	**COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT NO. PLB.7/002012/2003 DT. 19.3.2003.**
EXT. P6	**:**	**COPY OF THE JUDGMENT OF C.C.C NO. 266/2003-S DT. 09.07.03 OF THE HON'BLE HIGH COURT OF KERALA.**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH, J.

W.P. (C). NO. 9786 OF 2004

Dated this the 17th day of August, 2007.

J U D G M E N T

Petitioners approached this Court with certain grievances regarding pension payable to late husband of the first petitioner Sri. P. Thankappan who retired from service on 01.08.1967.

2. It is seen that said Thankappan had approached this Court leading to the judgment dated 09.12.1998 in O.P. No. 1967/1992. It is seen from the said judgment that there was a direction to the KSRTC to consider the case of Thankappan for liberalised family pension in terms of the order dated 26.08.1987. Exhibit P5 order is purported to have been passed in terms of the said judgment. But, it is seen from the order that the petitioner herein was granted only a minimum family pension with effect from 25.01.1999, the date of her representation.

3. Admittedly, the liberalised family pension scheme was introduced in the Kerala State Road Transport Corporation with effect from 01.08.1998. The applications submitted by

Thankappan in terms of the order dated 26.08.1987 has not been considered, it is submitted.

4. It is not clear from the counter affidavit as to whether any action has been taken on the above exercise by late Thankappan for pension under the liberalised family pension scheme. This Court has noted in Exhibit P2 judgment that late Thankappan had already submitted an option for the liberalised family pension scheme in terms of the order dated 26.08.1987 of the KSRTC.

There will be a direction to the second respondent to take action on the request of late Thankappan for the liberalised family pension scheme, 1964 in terms of his request dated 25.10.1987. Since admittedly the scheme has been introduced with effect from 01.08.1998, in any case it is made clear that the petitioners shall be entitled to the benefit under the liberalised family pension scheme with effect from 01.08.1998. The needful in this regard shall be done and eligible benefits due to the petitioners shall be disbursed, within a period of three months from the date of production of a copy of this judgment and if not,

the amounts due to the petitioners shall carry interest at the rate of 12% from the date of this judgment and officers responsible for the delay shall be personally liable for the same.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp